

REMARKS/ARGUMENTS

The Examiner's thorough review of the application is appreciated.

The Examiner's objection to the drawings is respectfully traversed. Regarding the arrowheads in Figs. 1-5, the Examiner has not given a single example of unclearness in the arrowheads in Figs. 1-5. They are entirely clear. Each arrow, reference and line in Figs. 1-5 has been thoroughly explained in the specification. To explain them further would obscure rather than clarify their meaning. Withdrawal of the objection is requested.

The Examiner's objection to the abstract is respectfully traversed. There is no objection to semicolons and no maximum sentence length prescribed in M.P.E.P. 608.01(b). Withdrawal is requested.

The Examiner's objections to the specification and claims have been responded to by appropriate amendments that do not narrow or otherwise change the scope of the invention.

Claims 11-13 and 15-17 have been rejected as anticipated by the admitted prior art (APA). Reconsideration is requested.

In the APA system, it is first necessary to determine the absolute positions of two seabed transponders per array in each of the two arrays. [0014] Three pipe transponders are attached to the pipe and their exact positions are found. To know the exact coordinates of a pipe transponder requires the use of at least two seabed transponders. [0015] After determining the exact positions of the pipe transponders, it is then possible to determine the remaining length of flowline required to reach the target position by

comparing the coordinates of the target position with the coordinates of the pipe transponders. [0016] Then the pipe can be cut.

In other words, the APA method is based on determining the exact positions (coordinates) of the pipe and seabed transponders for each pipe transponder, and is time-consuming. [0018]

In contrast, the invention of independent claims 11 and 15 is not based on and does not require determining any exact transponder positions, but more simply is based on relative distances between transponders. The method requires only that “the seabed transponders are arranged sufficiently near the pipelay route centerline so that the respective distances separating said second seabed transponders and said pipe transponder can be used to establish the remaining length of pipeline needed to reach the second position.”

The APA method requires determining exact positions of multiple seabed transponders and requires multiple pipe transponders. In contrast, for example, claim 15 explicitly recites the steps of “installing a seabed transponder...” and “installing a pipe transponder...”

The methods of claims 11 and 15 are both much simpler than the APA method, include steps and features that are not part of the APA method, and furthermore require less apparatus and less time.

A key feature that makes the methods possible is recited in the last paragraph of each independent claim, namely that the seabed transponders are “sufficiently near the pipelay route centerline...”. The APA does not teach or even suggest this feature. The APA teaches an array of multiple transponders that surround the pipelay route and there

is no teaching that they should or even could be sufficiently near the centerline to enable the invention of claims 11 and 15.

Claims 12 and 16 recite more specifically that the seabed transponder(s) is/are arranged on the pipelay route centerline.

The Examiner “deems” the seabed transponder to be both “sufficiently near” and “on” the pipelay route centerline. What the Examiner’s “deems” is contradicted by both the figures and the text and lacks any prima facie basis in the facts of record.

The features of claims 13, 14 and 17 are neither disclosed nor suggested by the APA, for the reasons above, as well as because of the respective features recited in those claims.

For the foregoing reasons, claims 11-17 are neither disclosed nor suggested by the APA.

Claims 1-17 were rejected over the APA in view of Kolb. Reconsideration is requested.

To avoid unnecessary discussion, reference is made to the foregoing discussion of claims 11-17, which applies equally to claim 1. The APA neither discloses nor suggests the features of these claims for the reasons already stated. Kolb adds nothing. Kolb describes a system and method for controlling the position of a seagoing vessel. It has nothing to do with a method for cutting an undersea pipe to length and discloses nothing relevant to the methods of claims 1, 11 and 15. Even if the references were combined, the claim limitations would not be met. The result would be a combination of the APA method of cutting a pipeline, plus the Kolb method of controlling a vessel. Kolb neither discloses nor suggests making any modifications to the APA pipeline cutting method.

Regarding claims 2, 8 and 9, the Examiner admits that the APA and Kolb do not suggest these features. Allowance is therefore in order. Prior art rejections require evidence of the prior art. If it would have been obvious or routine for a skilled person to modify the other prior art and obtain the inventions of these claims, evidence of the ordinary level of skill is required.

The Examiner "deems" the case of Ward Machinery Co. v. Wm. C. Staley Machinery Corp. to be a substitute for prior art with respect to these claims. In the Ward case, patent claims to box-making machinery were held to be invalid because the recited features were found to be similar to the prior art, although different in size, which in that context the court found to be an unpatentable difference.

The Examiner has not explained why the pipe-laying method claimed here is analogous to box-making machinery, nor any reason why the Ward case has anything to say about the features of claims 2, 8 and 9. In the absence of prior art or an explanation of why claims 2, 8 and 9 are not entitled to examination for novelty and non-obviousness like any other claim, allowance is requested.

In view of the foregoing, allowance of claims 1-17 is requested.

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office, VIA FACSIMILE, No. 571-273-8300 on January 30, 2006.

James A. Finder

Name of Person Mailing Correspondence

Signature

January 30, 2006

Date of Signature

Respectfully submitted,



James A. Finder

Registration No.: 30,173

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

JAF:jh

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